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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 HARCO NATIONAL INSURANCE
COMPANY, a foreign corporation,

11 Plaintiff,

12 vs.

13 ANDREW ACKERMAN, an individual;
14 SILVER STATE FORD, a domestic
corporation; VALLEY AUTOMOTIVE
15 GROUP, a domestic corporation; HEATHER
WILSON, an individual,

16 Defendants.
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Case No. 2:20-cv-01208-RFB-BNW

**AMENDED STIPULATION TO EXTEND
TIME FOR RULE 26 CONFERENCE AND
SUBMISSION OF DISCOVERY PLAN
AND SCHEDULING ORDER**

[First Request]

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20 Plaintiff HARCO NATIONAL INSURANCE COMPANY and defendants ANDREW
21 ACKERMAN, SILVER STATE FORD and VALLEY AUTOMOTIVE GROUP (the “Appearing
22 Defendants”), through their respective counsel, stipulate to extend the time to (1) hold their Fed.
23 R. Civ. P. 26 conference; and (2) submit their proposed discovery plan and scheduling order
24 pursuant to LR 26-1. The parties seek an extension to December 3, 2020 to hold their Fed. R. Civ.
25 P. 26 conference, and to December 17, 2020 to submit their proposed discovery plan and
26 scheduling order pursuant to LR 26-1. The parties respectfully submit that good cause exists for
27 this stipulation based on the following:
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1 1. Plaintiff filed its Complaint for Declaratory Relief on June 25, 2020. (ECF No. 1).
2 Summons were issued on June 26, 2020. (ECF No. 7).

3 2. On July 15, 2020, Plaintiff sent requests to waive service to Defendants' respective
4 service agents and/or counsel. Defendants Silver State Ford and Valley Automotive Group agreed
5 to waive service. (ECF Nos. 8, 9).

6 3. On July 23, 2020, the parties participated in a private mediation in connection with
7 the underlying tort case.

8 4. On September 11, 2020, the Appearing Defendants (Andrew Ackerman, Silver
9 State Ford and Valley Automotive Group) filed their Motion to Dismiss. (ECF No. 10). On
10 September 25, 2020, Plaintiff filed its Opposition to the Motion to Dismiss. (ECF No. 12). On
11 October 2, 2020, the Appearing Defendants filed their Reply. (ECF No. 16). On October 16,
12 2020, Plaintiff filed its request for oral argument and alternative request for leave to file a surreply
13 brief. (ECF No. 18). Both this request and the Appearing Defendants' Motion to Dismiss remain
14 pending.

15 5. Because defendant Heather Wilson did not return the service waiver form, Plaintiff
16 engaged in continuing efforts to formally serve Ms. Wilson. Through these efforts, on or about
17 September 20, 2020, Plaintiff learned that Ms. Wilson had passed away. On September 29, 2020,
18 Plaintiff filed its Motion to Substitute Party and Extend Time to Serve Complaint. (ECF No. 15).
19 This motion, which seeks leave to substitute Ms. Wilson's estate representative as a party (once
20 the estate is created) is pending and is scheduled for hearing on November 19, 2020. (ECF No.
21 17).

22 6. Due to Ms. Wilson's death, all of the named parties have not yet appeared.
23 Plaintiff anticipates that the estate representative will be substituted in as a party once the estate is
24 created. To date, Ms. Wilson's estate has not yet been created. Additionally, the Appearing
25 Defendants' Motion to Dismiss, which seeks dismissal on the grounds that the court should
26 decline to exercise its discretionary jurisdiction over this declaratory relief action, remains
27 pending. If the Motion to Dismiss is denied, the Appearing Defendants may seek leave to join
28 additional parties.

1 7. On October 28, 2020, the parties submitted a Stipulation to Extend Time for Rule
2 26 Conference and Submission of Discovery Plan and Scheduling Order (ECF No. 19). This
3 stipulation was denied without prejudice because the length of the requested extension was not
4 specified. (ECF No. 21).

5 8. The parties accordingly request an extension to December 3, 2020 to hold their
6 Fed. R. Civ. P. 26 conference. This date is fourteen (14) days after the hearing on Plaintiff's
7 Motion to Substitute Party and Extend Time to Serve Complaint, which is scheduled for
8 November 19, 2020. (ECF Nos. 15, 17). Pursuant to LR 26-1(a), the deadline for the submission
9 of the parties' proposed discovery plan and scheduling order pursuant would accordingly be
10 fourteen days later, which is December 17, 2020.

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1 9. Based on the foregoing, the parties respectfully submit that good exists to extend
2 the time to hold their Rule 26 conference to December 3, 2020, and to submit their discovery plan
3 and scheduling order as required by LR 26-1 to December 17, 2020.

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5 Dated: November 9, 2020

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7 By: /s/ Jeffrey D. Olster

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12 Dated: November 9, 2020

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14 By: /s/ Timothy R. O'Reilly

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22 **ORDER**

23 IT IS SO ORDERED:

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UNITED STATES MAGISTRATE JUDGE

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27 Dated: 11/13/2020